

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**DARIUS SCOTT RICHARDSON,**

**Plaintiff,**

**v.**

**WARNER ROBINS POLICE  
DEPARTMENT, et al.,**

**Defendants.**

**CIVIL ACTION NO. 5:23-CV-285 (MTT)**

**ORDER**

Plaintiff Darius Richardson moves to voluntarily dismiss this case without prejudice. Doc. 22. Under Federal Rule of Civil Procedure 41(a)(2), “an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” “[I]n most cases a voluntary dismissal should be allowed unless the defendant will suffer some plain prejudice other than the mere prospect of a second lawsuit.”

*Fisher v. Puerto Rico Marine Mgmt., Inc.*, 940 F.2d 1502, 1502-03 (11th Cir. 1991) (citing *Durham v. Fla. E. Coast Ry. Co.*, 385 F.2d 366, 368 (5th Cir. 1967)). “[T]he decision whether or not to grant such a dismissal is within the sound discretion of the district court and reviewable only for abuse of discretion.” *Fisher*, 940 F.2d at 1503.

The Court concludes that a dismissal would not prejudice the defendants and is proper.

Accordingly, Richardson’s motion to dismiss (Doc. 22) is **GRANTED**.

Richardson’s second amended complaint is **DISMISSED without prejudice**. The defendants’ motion to dismiss (Doc. 21) is **TERMINATED as moot**.

**SO ORDERED**, this 25th day of March, 2024.

S/ Marc T. Treadwell  
MARC T. TREADWELL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT